

High School
Apts

#33
mfo

AVE



The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

One Ashburton Place, Room 1310
Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans and photographs) must be submitted via one compact disc.
- 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
- 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.

1. State the name and address of the owner of the building/facility:

Town of Acton (*), Office of the Town Manager
472 Main Street, Acton MA 01720

E-mail: manager@acton-ma.gov
Telephone: (978) 929-6611

(*) The property is leased to: Towne School Limited Partnership c/o CTI, 155 Merrimack Street, Lowell, MA 01852. Contact: Mr. William Lipchitz, blipchitz@comteam.org, Tel. (978) 459-0551

2. State the name and address of the building/facility:

Old High School Commons
433 Massachusetts Avenue
Acton MA 01720

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

The building is a former school constructed in 1925 and listed on the State and National Register of Historic Places (see attached documentation).

It is a two-story brick structure that the Town of Acton declared surplus. The town issued a request for proposals seeking developers to lease the historic building and convert it to affordable housing.

Renovation work is now recently completed to create 15 residential units. Construction was performed in compliance with US National Park Service standards for historic preservation. The building's exterior and notable interior features have been restored in accordance with Massachusetts Historical Commission (MHC) and National Park Service (NPS) preservation standards.

4. Total square footage of the building: +/- 20,858 SF Per floor: +/-10,429 SF
a. total square footage of tenant space (if applicable): +/- 17,250 (15 Units)

5. Check the work performed or to be performed:

☐ New Construction ☐ Addition
☒ Reconstruction/Remodeling/Alteration ☐ Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

The renovation work included: installation of new building services (electrical, plumbing, fire protection, mechanical); creation of 15 residential living units ranging in size from 1-3 bedrooms; a new roof; historically approved windows; masonry repairs and restoration; creation of a 33-space parking lot (2 accessible spaces/ 1 van); and restoration and construction of site features (fences, walks, accessible routes).

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

7a. Check appropriate regulations:

☐ 1996 Regulations ☐ 2002 Regulations ☒ 2006 Regulations

SECTION NUMBER

LOCATION OR DESCRIPTION

22.3, 24.2-24.4

We are seeking relief regarding the **slope** for one of the two historic walkways between Mass. Ave. and the building, and for not constructing a **ramp**, **landings** and **handrails** along this route.

8. Is the building historically significant? X yes no. If no, go to number 9.

8a. If yes, check one of the following and indicate date of listing:

<u> </u>	National Historic Landmark
(X) 11/22/2011	Listed individually on the National Register of Historic Places
<u> </u>	Located in registered historic district
(X) 11/22/2011	Listed in the State Register of Historic Places
<u> </u>	Eligible for listing

8b. If you checked any of the above **and** your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

The project has been designed and constructed in compliance with 521 CMR to be fully accessible, with the exception of one of the historic walkways that exist between the street and the building (see attached site diagram).

A variance is being sought for this walkway for the following reasons:

- 1) The walkway leads to the West side doorway, which is not a public building entrance (521 CMR, 25.1), but rather for emergency egress from a stairwell. Hardware has been removed from this door so as to prevent its use except for emergencies.
- 2) A similar walkway ---64' away and on the same façade of the building--is fully accessible (see attached site diagram). It leads directly to the accessible building entrance used by all residents and by the public. This entrance was made fully accessible in a manner that sensitively meets with the requirements of historic preservation (MHC and NPS) approvals.
- 3) Existing grades render it impossible to make the subject walkway an accessible route, without changing its historic configuration and creating a series of 1:12 ramps, with switchbacks and handrails. Doing so would impact historic preservation guidelines for both the site and the building. (See attached sketch showing possible ramps)
- 4) The building is historically significant, listed on the State and National Register of Historical Places. The walkway for which the variance is being sought was intentionally left intact for the purpose of maintaining historic integrity at the most important and visible building face, fronting Massachusetts Avenue (e.g. US Secretary of the Interior Standards for Historic Preservation).
- 5) Accessible routes are already provided to connect all accessible site elements per 521 CMR 20.2.1 (see attached site diagram), including: building entrances, outdoor seating, parking, and trash collection.

- 6) The financial viability of the project to rehabilitate an historic school building into affordable housing is contingent upon historic preservation tax credits. Compliance with US Secretary of the Interior Standards for Historic Preservation was and is critical to the ability to fund the project as a whole. Its financing substantially includes equity raised through the sale of federal and state historic tax credits, totaling \$1,606,000 or nearly 30% of the total project cost. Without the proceeds from these tax credits, the project would be in financial default.
- 7) It is estimated that the engineering and construction costs for creating a series of ramps along the west side walkway, between Massachusetts Avenue and the building, would range from approximately \$35,000 to 50,000. This approach will also require amendment to National Park Service approvals, the acceptance of which is not guaranteed. (See attached letter from Tremont Preservation)
- 8) Considerable effort has been made to ensure a fully accessible project, above and beyond the requirements of 521 CMR, including:
 - (a) installation of an elevator,
 - (b) construction of two Group 2 Units
 - (c) creation of a unit with accommodations for persons who are deaf/hard of hearing,
 - (d) installation of a video intercom/security system,
 - (e) power-assisted door operators in multiple locations, and
 - (f) enlarged landings to account for the turning radius of motorized wheelchairs.
- 9) The existing site slopes markedly along Massachusetts Avenue. While the development team would have considered eliminating the historic walkway for which a variance is being sought, doing so would violate preservation guidelines and potentially jeopardize the tax credits needed to make the affordable housing project possible. The project team would be pleased to install a sign at the base of this walkway to indicate that the accessible route is located 63 feet to the east.
- 10) The National Park Service (NPS) and Massachusetts Historical Commission (MHC) approved a Part II application that strived to minimize discernible changes to the front of the property. A substantial investment was made to create an accessible public entrance at the front of the building, while preserving the historic walkways traversing the front yard. This required construction of masonry retaining walls and subtle regrading to create gently sloped (<5%) pathways. While achievable to access the actual building entrance, it cannot practically be made to work along the second walkway, without creating conventional ramps; thereby compromising the historic integrity of the site, and jeopardizing NPS approval.

10. Has a building permit been applied for? Yes
Has a building permit been issued? Yes
10a. If a building permit has been issued, what date was it issued? May 20, 2011
10b. If work has been completed, state the date the building permit was issued for said work: May 20, 2011
11. State the estimated cost of construction as stated on the above building permit:
\$3,211,117
11a. If a building permit has not been issued, state the anticipated construction cost:

12. Have any other building permits been issued within the past 36 months? No
12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: _____
13. Has a certificate of occupancy been issued for the facility? Yes - Temporary
If yes, state the date: June 14, 2012
14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? yes X no
15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: Unknown
Is the assessment at 100%? _____
If not, what is the town's current assessment ratio? _____

16. State the phase of design or construction of the facility as of the date of this application:

Design and construction are 100% complete.

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

Architect: Brent Mangel, AIA
Mangel Architects, Inc.
200 Ayer Road
Harvard, MA 01451

Civil Engineer: Richard Westcott, PE
Westcott Site Services
60 Prospect Street
Waltham, MA

E-mail: bmaugel@mangel.com*

richw@westcottsite.com

Telephone: (978) 456-2800*

(781) 647-1341

*Contact Person: Daniel Barton, AIA, dbarton@mangel.com

18. State the name and address of the building inspector responsible for overseeing this project:

Mr. Frank Ramsbottom
Acton Building Department
472 Main Street
Acton, MA 01720

E-mail: framsbottom@acton-ma.gov

Telephone: (978) 264-9632

Date: _____

Signature of owner or authorized agent

PLEASE PRINT:

William Lipchitz, as authorized agent

Name

155 Merrimack Street

Address

Lowell, MA 01852

City/Town

State

Zip Code

blipchitz@comteam.org

E-mail

(978) 459-0551

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, William Lipchitz, as authorized agent
for the Petitioner Town of Acton, MA submit a variance application filed
with the Massachusetts Architectural Access Board on 20 .

**HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR
CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING
PERSON(S) IN THE FOLLOWING MANNER:**

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	Frank Ramsbottom, Building Commissioner	Certified Mail	7/31/2012
	472 Main Street, Acton MA 01720		
2	MetroWest Center for Independent Living	Certified Mail	7/31/2012
	280 Irving Street, Framingham MA 01702		
3	Elizabeth Franklin, Chair, Comm. on Disability	Certified Mail	7/31/2012
	Acton Town Hall, 472 Main Street, Acton MA 01720		

**AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE
STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.**

Signature: Appellant or Petitioner

On the _____ Day of _____ 20 _____
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

(Type or Print the Name of the Appellant)

NOTARY PUBLIC

MY COMMISSION EXPIRES



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

December 20, 2011

Mr. Michael Gowing
Chair, Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Mr. Gowing:

The Massachusetts Historical Commission is pleased to inform you that the Acton High School, Acton, Massachusetts, has been accepted by the National Park Service, Department of the Interior, for listing in the National Register of Historic Places on November 22, 2011. Enclosed is a certificate acknowledging this designation.

For your information, an explanation of the National Register of Historic Places is also enclosed. If you have any questions or wish further information, please do not hesitate to contact the Massachusetts Historical Commission.

We share with you a sense of pride that this historic school has been listed.

Sincerely,

A handwritten signature in black ink, appearing to read "William Francis Galvin".

William Francis Galvin
Secretary of the Commonwealth
Chairman, Massachusetts Historical Commission

A handwritten signature in black ink, appearing to read "Brona Simon".

Brona Simon
State Historic Preservation Officer
Massachusetts Historical Commission

cc: William Klauer, Acton Historical Commission
Karen Frederick, Common Ground Development Corp.
Christine Beard, consultant
Ryan Bettez, Acton Planning Board

enclosure



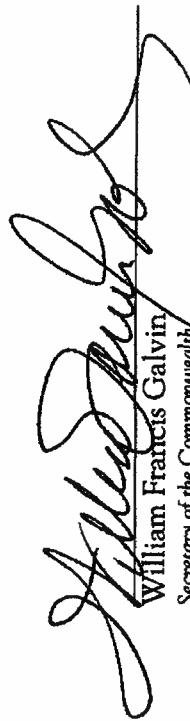
Acton High School

Acton, Massachusetts

was accepted on *November 22, 2011* for inclusion in the

National Register of Historic Places

The National Register is the nation's official list of buildings, districts, sites, structures, and objects that retain their historical character and are important to our local, state, or national history. The National Register was established under the National Historic Preservation Act of 1966 and is administered in the Commonwealth by the Massachusetts Historical Commission.



William Francis Galvin
Secretary of the Commonwealth
Chairman, Massachusetts Historical Commission



Brona Simon
State Historic Preservation Officer

MASSACHUSETTS HISTORICAL COMMISSION
A Division of the Secretary of the Commonwealth

RIGHTS OF PRIVATE PROPERTY OWNERS TO COMMENT AND/OR TO OBJECT TO LISTING IN THE NATIONAL REGISTER

Owners of private properties nominated to the National Register of Historic Places have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR Part 60. Any owner or partial owner of private property who chooses to object to listing may submit, to the State Historic Preservation Officer, a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property in a district has one vote regardless of the portion of the property that the party owns.

If a majority of property owners within a district object to National Register listing, the district will not be listed. If the majority of owners in a district do not object, the properties within the district for which an objection has been received will not be removed from the district nomination.

If the owner of an individually nominated property, or the majority of owners of an individually nominated property objects to National Register listing, the property will not be listed.

In both cases of district nominations and individually nominated properties for which objections have been received, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of the eligibility of the property for listing in the National Register. If the property or district is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project that will affect the property or district.

In addition, properties and districts thus determined eligible are automatically listed in the State Register of Historic Places. State bodies shall be responsible for conducting the appropriate studies and for providing the information necessary for an adequate consideration of modifications or alterations to the proposed undertaking that could eliminate, minimize, or mitigate an adverse effect to State Register properties.

If you wish to object to or comment on the nomination of your property to the National Register, please send your comments to this office before the date of the Massachusetts Historical Commission meeting at which your property will be considered. After the date of the meeting, comments or objections may be directed to the National Park Service, National Register office. A copy of the nomination and information on the National Register, the Federal tax provisions, the State Register and the Massachusetts Preservation Projects Fund, are available from the Massachusetts Historical Commission upon request.

RESULTS OF LISTING IN THE NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Eligibility for Federal tax provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936.

(over)

The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information, on certification requirements, please refer to 36 CFR 67.

Consideration in planning for Federal, Federally licensed, and Federally assisted projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Consideration in issuing a surface coal mining permit: In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit, where coal is located. For further information, please refer to 30 CFR 700 *et seq.*

Qualification for Federal grants for historic preservation when funds are available: Presently, funding is unavailable.

Eligibility for state restoration grants: If a property is listed in the National Register, it is automatically included in the State Register of Historic Places. All municipally and nonprofit-owned properties included in the State Register are eligible to compete for 50% matching grants from the Massachusetts Preservation Projects Fund. The Massachusetts Preservation Projects Fund is a state-funded matching grant program established in 1984 to support the preservation and maintenance of properties and sites listed in the State Register of Historic Places.

Eligible projects include:

***PRE-DEVELOPMENT PROJECTS** (for studies necessary to enable future development or protection of a State Register property, feasibility studies including plans and specifications and certain archaeological investigations);*

***DEVELOPMENT PROJECTS** (for construction activities including stabilization, protection, rehabilitation, and restoration); and*

***ACQUISITION PROJECTS** (funding for the latter is specifically allocated for endangered State Register properties).*

For additional information and preapplication forms, contact the Grants Division, Massachusetts Historical Commission.

Consideration in planning for State funded, permitted, and licensed projects:

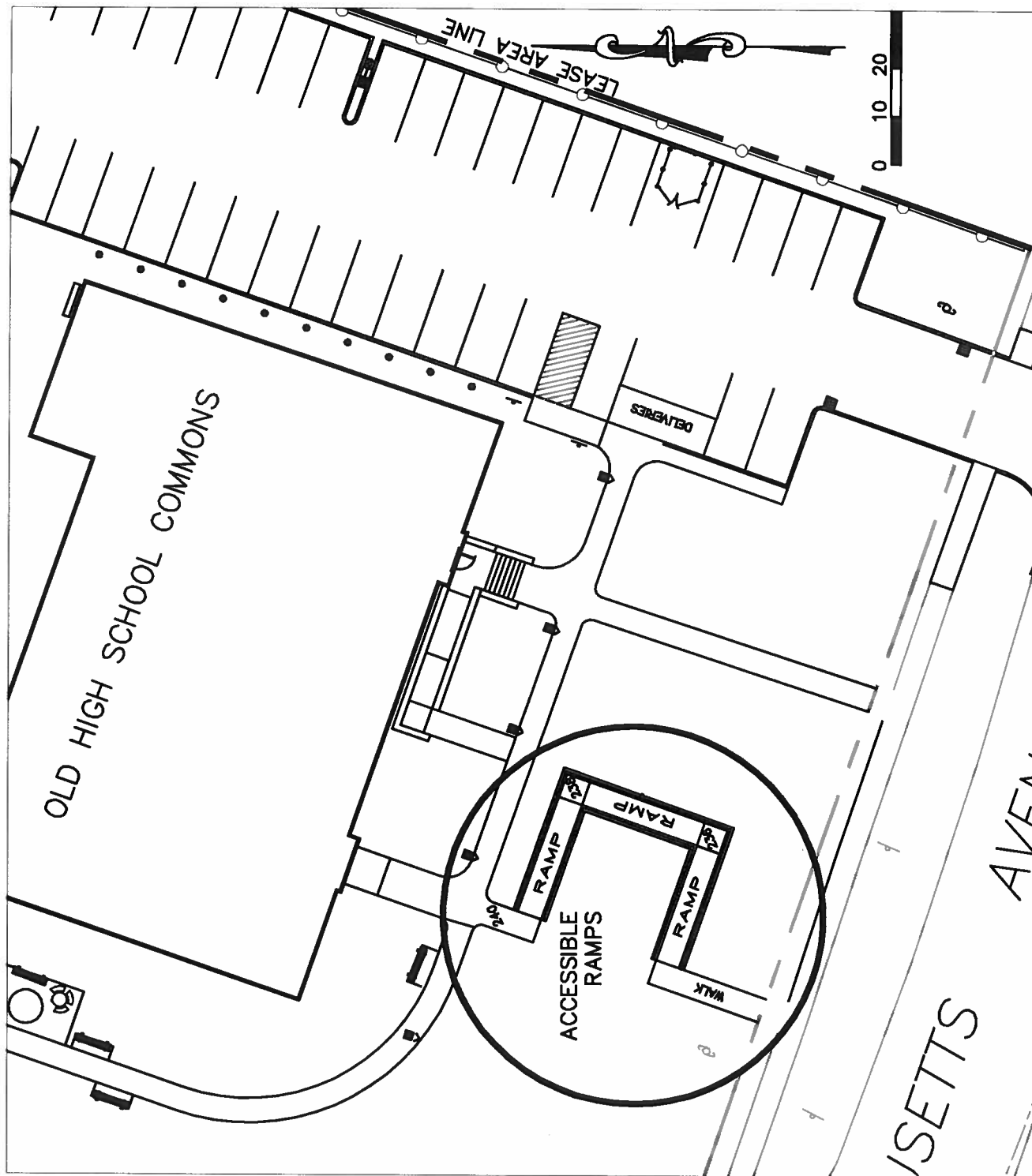
Massachusetts General Laws, Chapter 9, Section 26-27C, directs all state bodies and persons subject to the State Register to consult the State Register early in the planning process in order to eliminate, minimize, or mitigate any adverse effect to properties listed in the State Register. For further information, please refer to 950 CMR 71.

Massachusetts Historical Commission, Office of the Secretary of the Commonwealth, William Francis Galvin, Secretary, Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, MA 02125 (617) 727-8470

OLD HIGH SCHOOL COMMONS
ACTON, MASSACHUSETTS
COMMON GROUND DEVELOPMENT CORP.

WESTCOTT SITE SERVICES
PLANNERS AND ENGINEERS
60 Prospect Street, Waltham MA Ph 781-647-0062 Fax 781-647-1341
westcottsite.com





SKETCH TO ILLUSTRATE MEASURES TO AVOID MAAB WAIVER
JULY 16, 2012

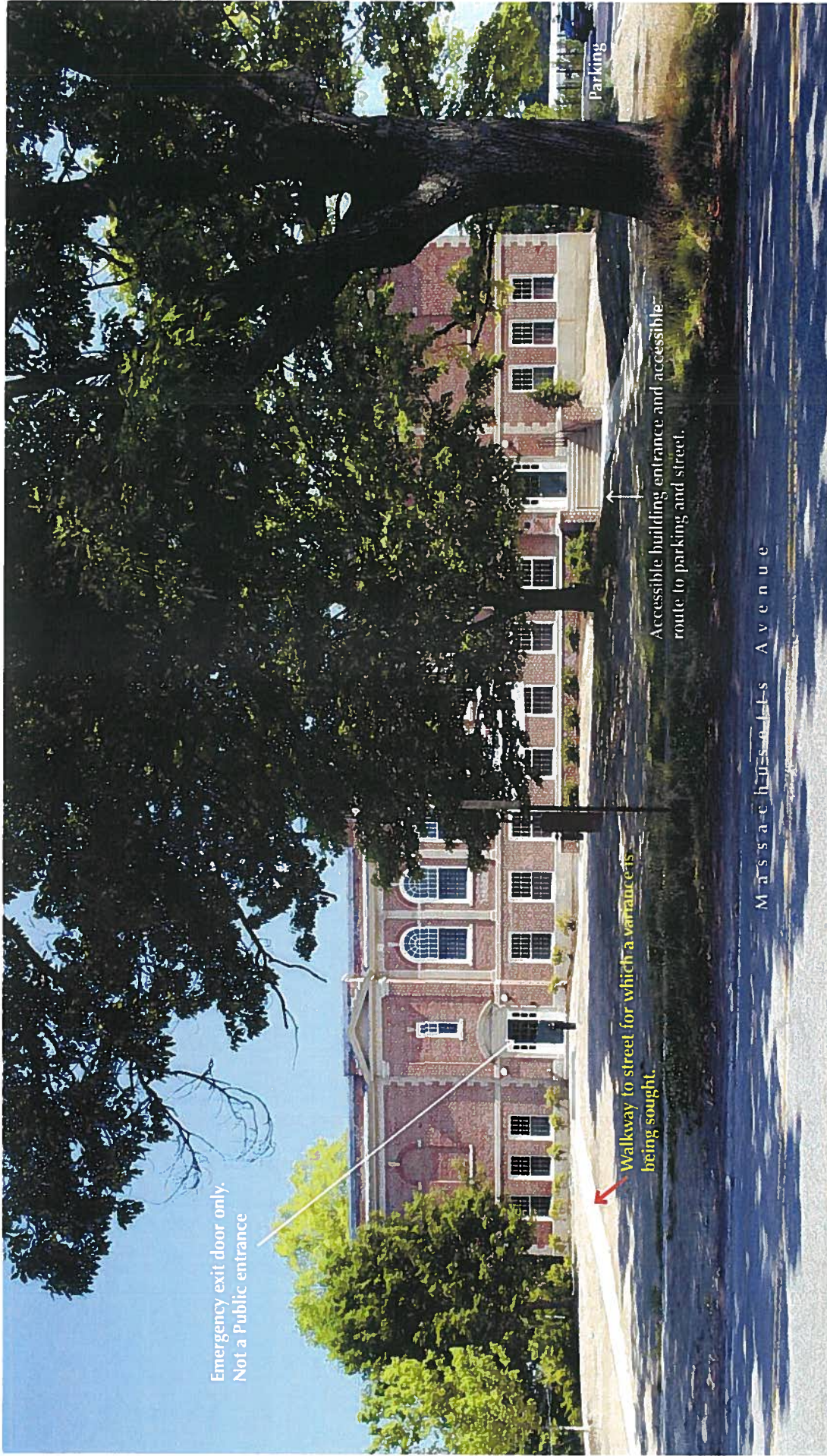
OLD HIGH SCHOOL COMMONS

ACTION, MASSACHUSETTS
COMMON GROUND DEVELOPMENT CORP.

WESTCOTT SITE SERVICES

PLANNERS AND ENGINEERS

60 Prospect Street, Waltham MA Ph 781-647-0062 Fax 781-647-1341
westcottsite.com



Emergency exit door only.
Not a Public entrance

Walkway to street for which a variance is
being sought.

Accessible building entrance and accessible
route to parking and street.

Parking

Massachusetts Avenue



Tremont
PRESERVATION SERVICES

21 Market Street, Suite 250
Ipswich, MA 01938
978.356.0322 Phone/Fax
www.tremontpreservation.com

June 15, 2012

Mr. William Lipchitz
Towne School Limited Partnership
C/o Community Teamwork Inc.
155 Merrimack Street
Lowell, MA 01852

RE: Acton High School – Acton, MA

Dear Mr. Lipchitz:

I undertook a final inspection of the former Acton High School building today and photographed the completed work. As you know, these photographs will be submitted to the National Park Service as part of the application for Part III approval, the final National Park Service step in qualifying the project for historic tax credits. As you know, the Acton High School is listed on the National Register of Historic Places.

You asked that I comment on the historic tax credit approval process because the Acton Building Inspector has withheld issuing a Certificate of Occupancy due to the grade elevation and accessibility questions related to the on-site walkway from Massachusetts Avenue to the west entry.

Restoration of this walkway was part of the scope of work approved by the Massachusetts Historical Commission (MHC) and the National Park Service (NPS) in the Historic Preservation Certification Application. Any changes to the sidewalk, particularly if a change in slope or configuration is involved, must be reviewed by MHC and the NPS to determine if the proposed change meets the Secretary of the Interior's Standards or you risk jeopardizing your tax credits. This holds true for any changes to the project scope over the next five years – all work must meet the Secretary of the Interior's Standards and must be approved by MHC and NPS to preserve your eligibility for historic tax credits.

Regards,

Christine Beard